

ECF FILED ON:

JUL 29 2009

Stephanie L. Cooper, Esquire
Nevada Bar No. 5919

Michael W. Chen, Esquire
Nevada Bar No. 7307

THE COOPER CASTLE LAW FIRM

A Multi-Jurisdictional Law Firm

820 South Valley View Blvd.

Las Vegas, NV 89107

(702) 435-4175/(702) 435 4181 (facsimile)

Loan No. *****1789/ Our File No. 08-04-1751

Attorney for Secured Creditor

Wells Fargo Bank, NA, successor by merger to Wells Fargo Home Mortgage, Inc. fka Norwest Mortgage, Inc.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

TOM D. STUMBO,

Debtor(s)

CHAPTER 13

BANKRUPTCY NO.: 05-27478

DATE: May 07, 2008

TIME: 10:00 AM

**AFFIDAVIT OF NON-COMPLIANCE OF BREACH AND FAILURE TO COMPLY WITH
TERMS OF THE ADEQUATE PROTECTION ORDER**

MICHAEL W. CHEN BEING DULY, SWORN, DEPOSES AND SAY.

1. That I have the personal knowledge in regards to payments received at THE COOPER CASTLE LAW FIRM located at 820 South Valley View Blvd., Las Vegas, NV 89107 in regards to the subject mortgage loan.
2. That Debtor has failed to make the specified payments pursuant to the Adequate Protection Order entered on Jun 11, 2008, attached hereto as Exhibit A.
3. That as of July 28, 2009, Debtor has failed to tender full cure of the breach amount described in the Notice of Default dated July 7, 2009, attached hereto as Exhibit B.
4. I hereby certify this to be true and correct and hereby submit an Exparte Order Terminating the Automatic Stay for Non-Compliance of the terms of the Adequate Protection Order.

Submitted by:

THE COOPER CASTLE LAW FIRM
A Multi-Jurisdictional Law Firm

By: _____ Date: _____

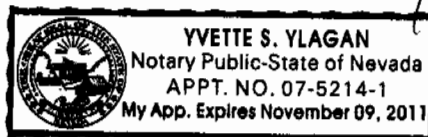
Michael W. Chen, Esq.

Affiant and Attorney for Secured Creditor

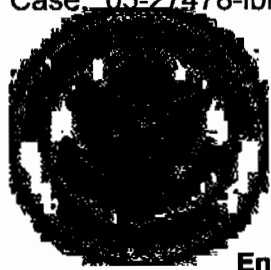
Wells Fargo Bank, NA, successor by merger to Wells Fargo
Home Mortgage, Inc. aka Norwest Mortgage, Inc.

Michael W. Chen appeared before me on this 29th day of July, 2009 to signed the
attached Affidavit of Non-Compliance of Breach and Failure to Comply with Terms of the
Adequate Protection Order.

Notary Public



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Entered on Docket
June 11, 2008



Hon. Linda B. Riegle
United States Bankruptcy Judge

Stephanie L. Cooper, Esquire
Nevada Bar No. 5919
THE COOPER CASTLE LAW FIRM
A Multi-Jurisdictional Law Firm
820 South Valley View Blvd.
Las Vegas, NV 89107
(702) 435-4175/(702) 435 4181 (facsimile)
yvette@ccfirm.com
Loan No. 2981789 / Our File No. 08-04-1751

Attorney for Secured Creditor
Wells Fargo Bank, NA, successor by merger to Wells Fargo Home Mortgage, Inc. fka Norwest
Mortgage, Inc.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

TOM D. STUMBO

Debtor(s)

CHAPTER 13
BANKRUPTCY NO.: 05-27478-LBR
DATE: May 07, 2008
TIME: 10:00 AM
MOTION NO.:

**ORDER FOR ADEQUATE PROTECTION AND TERMINATION OF AUTOMATIC
STAY UPON NON-PAYMENT**

THIS MATTER HAVING come on for Hearing on May 07, 2008 in the above-referenced
Court, before the Honorable Linda B. Riegle, United States Bankruptcy Judge, Michael W.
Chen, Esq. of THE COOPER CASTLE LAW FIRM attorneys of record for Secured Creditor,
having appeared and TOM D. STUMBO appearing through Daniel Rickert, Esq., and this Court
being fully advised on the premises, and good cause appearing;

EXHIBIT A

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Secured Creditor
2 acknowledges receipt of Cashier Check No. 010268, for the total amount of \$1,116.79. Said
3 payment represents the May 2008 monthly post petition payment on Secured Creditor's 1st Trust
4 Deed obligation.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that DEBTOR(S) shall
6 maintain regular monthly post-petition payments on Secured Creditor's 1st Trust Deed
7 obligation, encumbering the subject Property, generally described as 5121 Lydfort Court North
8 Las Vegas, Nevada 89030 ("Property" herein) and legally described as follows:

9 LOT SEVENTY-EIGHT (78) IN BLOCK THREE (3) OF SOMERSET
10 ESTATES 1 PHASE-1, AS SHOWN BY MAP THEREOF ON FILE IN BOOK
11 57 OF PLATS, PAGE 82, IN THE OFFICE OF THE COUNTY RECORDER,
CLARK COUNTY, NEVADA

12 in a timely fashion, commencing with the June 1, 2008 payment, and continuing thereafter on the
13 first day of each month. Payments are due on the 1st day of each month. Said payments shall be
14 made directly to Wells Fargo Bank, One Home Campus, BK Payment Processing, MAC
15 #X2302-045, Des Moines, IA 50328.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that TOM D. STUMBO
17 shall make additional payments to the above referenced address in the amount of \$1,093.77 each,
18 commencing June 20, 2008 and continuing for six (6) months until the post-petition arrearages
19 owing on Secured Creditor's 1st Trust Deed are cured. A definition of said arrearages are
20 detailed in the table listed below:

21	5 monthly payments at \$1,116.79	\$5,583.95
22	December 2007 through April 2008	
23	Accrued Late Charges	\$178.68
24	Filing Fee	\$150.00
25	Post-Petition Attorney Fees	\$650.00

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Total Post-Petition Arrearage	\$6,562.63
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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Debtor shall pay into the plan on time and must remain current as previously directed by the Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all actions taken by the Secured Creditor's in regards to the statutory remedies afforded under State Foreclosure Statutes are in full force and effect until Secured Creditor's Proof of Claim is paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event that the Debtor fails to comply with the regular monthly or stipulated payments ordered above, Secured Creditor shall send to the Debtor a written notice of default to TOM D. STUMBO at 5121 Lydfort Court, North Las Vegas, Nevada 89030 with a copy sent to the Debtors counsel Daniel Rickert, Esq., located at 1118 E. Carson Avenue, Las Vegas, NV 89101, stating that the Debtor shall have ten (10) days to cure. An additional attorney's fee of \$100.00 will be incurred for each notice of default. In the event that the Debtor fails to timely cure said default of payments after ten the (10) day period has expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic Stay. Upon entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for all purposes as to Secured Creditor, Wells Fargo Bank, NA, successor by merger to Wells Fargo Home Mortgage, Inc. fka Norwest Mortgage, Inc., its assignees and/or successors in interest, may proceed with a foreclosure of and hold a Trustee's Sale on the subject property, pursuant to applicable state law, and commence any action necessary to obtain complete possession of the subject Property. Upon disposition of collateral, Secured Creditor will amend or delete its Proof of Claim and provide Trustee with the notice of same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event case converts to a Chapter 7 proceeding the Secured Creditor will issue the same written notice as stated above for the total arrears to include pre-petition debt (if any should remain) that would

05/09/2008 09:58 FAX 7924341181

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1 have been paid through the former Chapter 13 Plan which Debtor will be given the same ten (10)
2 day period to cure. In the event Debtor fails to cure said arrears after the ten (10) day period has
3 expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic Stay. Upon
4 entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for all
5 purposes as to the Secured Creditor, Wells Fargo Bank, NA, successor by merger to Wells Fargo
6 Home Mortgage, Inc. fka Norwest Mortgage, Inc., its assignees and/or successors in interest, may
7 proceed with a foreclosure of and hold a Trustee's Sale on the subject property, pursuant to
8 applicable state law, and commence any action necessary to obtain complete possession of the
9 subject Property.

10 Submitted by:

11 THE COOPER CASTLE LAW FIRM
12 A Multi-Jurisdictional Law Firm

13 By:

Date:

14 Stephanie L. Cooper, Esq.
15 Attorney for Secured Creditor
16 Wells Fargo Bank, NA, successor by merger to Wells Fargo Home Mortgage, Inc.
fka Norwest Mortgage, Inc.

17 APPROVED/DISAPPROVED

18 By:

Date:

19 Daniel Rickert, Esq.
20 Attorney for TOM D. STUMBO

21 APPROVED/DISAPPROVED

22 By:

Date:

23 Kathleen A. Leavitt
24 Standing Trustee
25

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1 **ALTERNATIVE METHOD re: RULE 9021:**

2 In accordance with Local Rule 9021, the undersigned certifies:

3 ___ The court has waived the requirement of approval under LR 9021.

4
5 ___ No parties appeared or filed written objections, and there is no trustee appointed
6 in the case.

7 X I have delivered a copy of this proposed order to all counsel who appeared at the
8 hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this
case, and each has approved or disapproved the order, or failed to respond as indicated below:

9 Daniel Rickert - approved

10 Kathleen Leavitt - approved

11 ###



BRICE, VANDER
LINDEN & WERNICK, P.C.

9441 LBJ Freeway, Suite 250 • Dallas, Texas 75243 • (972) 643-6600 • (972) 643-6698 (Fax)

July 7, 2009

Daniel P. Rickert
Attorney At Law
1118 East Carson Avenue
Las Vegas, NV 89101

SENT REGULAR PRE-PAID AND CERTIFIED MAIL RRR# 7007 1490 0000 2311 3396

RE: Creditor: Wells Fargo Bank, N. A. successor by merger to
 Wells Fargo Home Mortgage, Inc. fka Norwest
 Mortgage, Inc.
 Debtor: Tom D. Stumbo
 Case No.: 05-27478-LBR-13
 Loan No.: xxx1789
 Alt. Ref. No. 111999678
 Our File No.: 7600-N-3311
 Collateral: 5121 Lydford Court
 North Las Vegas, Nevada 89030

NOTICE OF DEFAULT

We are the authorized agent for the above-referenced secured creditor in this proceeding.

An Order was entered in the above-referenced bankruptcy proceeding. According to our client's records, non-compliance with the requirements of the Order has now occurred. Pursuant to the terms of that Order, we are providing our client's Notice of Default to you.

To cure the default, \$2,480.74 must be received in our office in the form of a cashier's check or money order made payable to Wells Fargo Bank, N. A. successor by merger to Wells Fargo Home Mortgage, Inc. fka Norwest Mortgage, Inc. no later than 5:00 p.m. on July 17, 2009. An additional three (3) days will be allowed for mailing time. The amount to be paid represents the following delinquent payments:

Total Due Per Agreed Order through July 7, 2009	\$22,352.77
Total Received From Debtor through July 7, 2009	\$19,872.03
Total Past Due through July 7, 2009	\$2,480.74

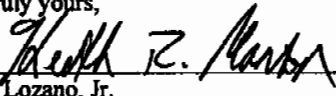
If you possess evidence which demonstrates that our client has received the delinquent payments noted above, please contact your attorney.

Our office address is: 9441 LBJ Freeway, Suite 350, Dallas, Texas 75243.

In the event the default is not cured within the time frame provided above, with an additional three (3) days allowed for mailing time, we shall complete any remaining pre-conditions that may exist to obtain relief from the automatic stay, and thereafter our client shall consider the stay terminated and shall be free to pursue its contractual and statutory rights, including, but not limited to the initiation of foreclosure proceedings of the above-referenced collateral.

This letter is an attempt to collect a debt and any information obtained will be used for that purpose.

Very truly yours,



Joe M. Lozano, Jr.
Cristina Platon Camarata
Cynthia Brown
Adam R. Moore
Keith Pearson
Michael J. Burns
Jennifer H. Brown

CERTIFICATION OF SERVICE

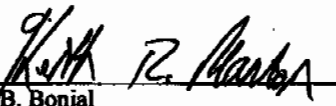
I, Hilary B. Bonial / Joe M. Lozano, Jr. / Cristina Platon Camarata / Cynthia Brown / Adam R. Moore / Keith Pearson, hereby certify that a true and correct copy of the foregoing Notice of Default has been served upon the following parties in interest by pre-paid regular U.S. Mail on the 7 day of July 2009:

Trustee
Kathleen A. Leavitt
302 East Carson St, Suite 300
Las Vegas, Nevada 89101

US Trustee
OFFICE OF THE US TRUSTEE
300 Las Vegas Boulevard South, Suite 4300
Las Vegas, Nevada 89101

Debtor
Tom D. Stumbo
5121 Lydford Court
North Las Vegas, Nevada 89031
SENT REGULAR PRE-PAID AND CERTIFIED MAIL RRR# 7007 1490 0000 2311 3402

Stephanie Cooper Christensen
The Cooper Christensen Law Firm, LLP
820 South Valley View
Las Vegas, Nevada 89107



Hilary B. Bonial
Joe M. Lozano, Jr.
Cristina Platon Camarata
Max A. Wernick
Lawrence J. Buckley
Michael J. Burns
Cynthia Brown
Adam R. Moore
Keith Pearson

7600-N-3311

REAL PROPERTY NOTICE OF DEFAULT LETTER